



# Town of Berwyn Heights

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**MAYOR**  
Amanda M. Dewey

**COUNCIL MEMBERS**  
Jodie A. Kulpa-Eddy (Mayor Pro Tem)  
Christopher S. Brittan Powell  
Jason W. Papanikolas  
Ethan D. Sweep

## Worksession Minutes May 17, 2021 | 7:00 pm

### **Executive Session (5:30 pm – 6:45 pm)**

An executive session was held under General Provisions Article § 3-305(b) (1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

### **Regular Meeting (starting 7:00 pm)**

This meeting was held by videoconference due to the ongoing COVID-19 health emergency. The meeting was broadcast on Berwyn Heights cable TV channels and streamed on the Town website. Residents were given the opportunity to join the meeting via Zoom and comment by telephone and email.

Present were Mayor Amanda Dewey, Mayor Pro Tempore (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Christopher Brittan-Powell, Jason Papanikolas and Ethan Sweep. Also present were Town Manager (TM) Laura Allen and Town Clerk Kerstin Harper.

### **1. Announcements**

Mayor Dewey announced that the Council met in executive session prior to this meeting to discuss a personnel matter. She also announced a number of changes in COVID-19 protocols. The latest CDC guidelines no longer recommend that vaccinated people wear masks except in certain congregate settings. The State of Maryland follows CDC guidelines, but Prince George's County still requires everyone to wear masks indoors in public settings. However, all capacity limits on businesses have been lifted. In Berwyn Heights, the Town is focusing on getting the Senior Center ready for reopening, following an updated guidance from the County. Hosting of community events remains subject to approval by the Town Manager and Chief of Police until further notice.

### **2. Approval of the Agenda**

On a motion by CM Sweep and second by MPT Kulpa-Eddy, the agenda was approved 5 to 0.

### **3. Discussion Items**

***Fee & Fine Schedule review:*** Mayor Dewey said the Council in 2019 implemented the annual review and adoption of a comprehensive fee & fine schedule as part of the budget process. The fee & fine schedule will be reviewed tonight and voted on at the June Town meeting.

TM Allen said she has consulted with the department directors about any needed changes to fees and fines and proposes two changes: 1) raising the public notary fee from \$2 to \$4, the maximum allowed under Maryland law, to more accurately reflect the time it takes for staff to notarize documents: and 2)

reducing the ‘return check’ fee from \$50 to \$35 to align with fees normally charged by commercial banks. No change is proposed in the \$300 rental license fee, which the Council had flagged in previous budget discussions. A public hearing will be held prior to voting on the fee & fine schedule resolution at the June Town meeting.

CM Brittan Powell sought clarification on the reason for keeping the rental license fee at \$300, which is higher than many other local jurisdictions. TM Allen replied that Chief Antolik advised the fee was raised to reflect the higher calls for service from rental properties as opposed to owner-occupied homes. She also learned that neighboring jurisdictions charge both higher and lower rental license fees than Berwyn Heights, according to a survey University Park’s town manager conducted: Hyattsville charges \$225, University Park \$400, Riverdale \$200, College Park \$244, Greenbelt \$150, and New Carrollton \$200. Berwyn Heights fees are in same general range and seem appropriate considering its housing stock and calls for service.

CM Brittan Powell further asked why rooms rented in owner-occupied homes are subject to the same \$300 license fee. Clerk Harper and MPT Kulpa-Eddy said that an exemption for owner-occupied rentals was ended in 2017 in conjunction with a revision of the Rental License Ordinance. New mandates for lead paint testing and egress windows in rental homes came into effect and required more staff resources to monitor.

MPT Kulpa-Eddy asked why businesses license fees for some types of businesses such as banks and professional organizations are fixed while others are assessed based on gross receipts. TM Allen said she is not familiar with how the fees were set but can look into it. MPT Kulpa-Eddy suggested the Council may want to review the Business License Ordinance later this year to determine if changes are needed. TM Allen said she raised the potential review of the business licensing process with the Commercial District Management Authority (CDMA), which could become part of a review of Ordinance 105.

***American Rescue Plan Act guidance:*** Mayor Dewey said Berwyn Heights is slated to receive approximately \$2.75 million in COVID relief funds and has been waiting for U.S. Treasury Department guidance on how this money may be spent. The updated guidance was finally received last week and appears to be relatively flexible about the use of funds within certain parameters and exclusions. There are 5 broad categories for spending these funds:

- Support public health expenditure for COVID-19 mitigation.
- Address economic harm caused by the public health emergency.
- Replace lost public sector revenue due to the pandemic.
- Premium pay for essential workers.
- Investment in water, sewer and broadband infrastructure.

Mayor Dewey asked Councilmembers to help identify high-level priorities for using ARPA funds. Appropriations need not be finalized until 2024.

TM Allen said the current guidance is only an interim final rule and may be supplemented by a final rule in July. The Town of Berwyn Heights is considered a ‘non-entitlement’ unit of government, meaning the Town will receive its funds from the State of Maryland, which will in turn request the funds on behalf of non-entitlement units from the federal government. Funding to individual jurisdictions is limited to 75% of their budget and will likely not be received before the end of May.

Non-eligible uses of funds include tax revenue offsets, pension fund contributions, debt service, legal settlements, or deposits into reserves. The money is intended to help people to get through and recover from the pandemic now, not for future use. In addition, funds may not be used for general infrastructure expenses, such as constructing new buildings, but can be spent on water and sewer improvements, including stormwater infrastructure. Additional clarification is needed as to whether funds can be used for road repairs. Jurisdictions are also waiting for guidance on where this money may be held until it is spent. Funds must be committed by December 2024 and expended by December 2026. Reports on how the money is spent are due to the State once a year, with the first report due by the end of October 2021.

TM Allen recommended that the Council discuss not only areas of spending but also a process for determining how the money should be spent. One option is to use the priorities developed as part of the FY 2022 budget process. TM Allen cautioned against spending one-time ARPA funds on creating new programs or add-ons to existing programs that require ongoing financial commitments. If hazardous duty pay for employees is considered it should be given as a lump-sum payment(s). The Town may also consider partnering with neighboring cities to implement assistance programs or services for which it does not have staff capacity. Finally, TM Allen recommends to take the time available to develop a plan to spend this money in the most impactful way possible, as it is a once-in-a-lifetime opportunity.

Mayor Dewey added she believes, in talking with other mayors and government leaders, there is an interest in remaining informed about what each jurisdiction plans to do with the money with an eye to collaboration, or at least not duplicating efforts.

In discussion, the following points were made:

- Town should conduct another survey of residents, similar to the FY 2022 budget survey, on how ARPA money should be spent. The survey should be broadly advertised for an extended period to get as many responses as possible.
- The survey should invite open-ended suggestions within the parameters set by the U.S. Treasury.
- The survey might proceed in phases, first asking for input on broad categories, such as assistance to Town businesses, and then invite more specific suggestions.
- Other modes of soliciting input besides a survey should be tried, e.g. talking to Town organizations directly, setting up a whiteboard for suggestions, or hosting events similar to Coffee with a Cop.
- Established priorities, such as WBBH recommendations and improvements to communications, should be considered.
- Preference might be given to ‘transformational’ projects that would have a big impact in an area, such as stormwater drainage or park improvements.
- Projects that require partnering with another municipality might be considered, such as improvements to Lake Artemesia park.

Mayor Dewey and CM Papanikolas offered to draft an engagement process document that lays out modes, steps, and timelines for obtaining community input. Residents’ input on process is welcome.

Council briefly identified several top-level areas of interest, including communications, stormwater drainage/ stream restoration/ climate change issues, Town Hall/ police station upgrade, compensating employees and supporting the business community.

**Zoning change questions:** TM Allen explained that CM Brittan-Powell inquired about the feasibility of changing lot setback requirements in Berwyn Heights in order to limit the building of new homes on sub-divided properties. She understands Prince George's County went through an extensive zoning review process but believes that the public comment period is closed. She also asked Code Director Goodwin to find out how many vacant lots there are in Town. Ms. Goodwin believes there are only a handful of lots left that might qualify for development.

MPT Kulpa-Eddy confirmed that the County's zoning rewrite process has been completed, with the exception of approving the County-wide map amendment. The new regulations include standards regarding setbacks for residential properties. Berwyn Heights would need zoning authority to change such standards. CM Brittan-Powell said he just wondered if this was something worth looking into.

CM Papanikolas said that College Park had commissioned a study about establishing a multi-jurisdictional planning and zoning department, which was interrupted by the pandemic. The interest was mainly in getting around the County's long and confusing process for issuing permits. Berwyn Heights is still waiting to hear what became of the study.

#### **4. Department Reports**

Mayor Dewey reiterated that Covid restrictions are changing quickly due to the recent decline in Covid cases and encouraged everyone to get vaccinated. She also urged residents to be kind and considerate with neighbors about wearing or not wearing masks in light of the changing guidance.

MPT Kulpa-Eddy reported that she attended a virtual White House briefing on ARPA at which some broad guidance on the use of ARPA funds was given. She also attended a community conversation on the Paint Branch Golf Course project, which is a partnership between Park & Planning and the University of Maryland (UMD). There are proposals to convert the current golf course into a 'golf experience' and use a portion of it to build UMD's new track and field facility. Updates are available and comments can be submitted at M-NCPPC's webpage <http://arts.pgparks.com/5114/Paint-Branch-Golf-Complex-Development>.

MPT Kulpa-Eddy continued that the I-495/ I-270 managed lane study has been narrowed to a section of highway between the I-270 spur and the American Legion Bridge. If this alternative is selected, Prince George's County would not be affected by the project. Seniors welcome the reopening of the Senior Center and have expressed interest in having other appliances replaced in addition to the stove.

The BHEAC is trying to get the word out on 3 available scholarships for the STEAM summer camp at the Community Center, which is advertised in Bulletin and on the website. At its last meeting, the Green Team discussed a Pepco sustainable communities grant and is seeking input on how it might be used. A video of Howard Johnson produced by the Historical Committee on his 100<sup>th</sup> birthday has been posted to the website's video archive. The NW/EP Committee discussed problems with reaching the County's non-emergency phone number. The Town might invite a representative from the County's Emergency Dispatch to discuss it. Also discussed was the issue of car racing and loud mufflers and what might be done about it.

CM Papanikolas reported that the Town completed paying its first bills through Bill.com, which works great. TM Allen noted that a panel of employees conducted interviews of applicants for the Town Clerk position, which will become available following Clerk Harper's retirement.

CM Brittan Powell reported that the Code Department continues to stay on top of the various issues coming before it. Mayor Dewey added the Code Department is doing a great job with its monthly report, which residents are encouraged to check out.

CM Sweep reported on the revised trash collection schedule following Memorial Day weekend.

#### **5. Resident and Community Comments**

MPT Kulpa-Eddy asked whether the Town office still has stickers to designate bins as yard waste. TM Allen believes so and will check on it. Residents should contact the Town Office if they need something from Public Works.

On a motion by MPT Kulpa-Eddy and second by CM Sweep, the meeting was adjourned at 8:29 p.m.

Signed: *Kerstin Harper*, Town Clerk